

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 2:06CR35

BRANDON TAYLOR

ORDER

This cause is before the Court on the defendant's Motion to Continue Trial and to Require a Competency Hearing [21]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The trial of this matter is currently set for August 27, 2007. On August 19, 2007, Taylor's counsel filed the instant motion seeking a continuance in order to facilitate a competency hearing in order to allow Taylor a fair opportunity to rebut the findings set forth in the competency evaluation performed by psychiatric personnel at the Federal Detention Center. The government does not oppose the requested continuance. Based on the foregoing, the Court finds that the motion is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(1)(A), the period of delay from August 27, 2007 until the new trial date to be set in this matter. The time is excludable under subsection (h)(1)(A) because, given the circumstances described above, a continuance is necessary to afford defendant a fair opportunity to rebut the competency findings of the examining psychiatrist by means of a hearing pursuant to 18 U.S.C. § 4241.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. The defendant's Motion to Continue Trial and to Require a Competency Hearing [21] is GRANTED;
2. That the trial of this matter is continued until Monday, October 22, 2007 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from August 27, 2007 until October 22, 2007 is excluded as set out above;
4. That the deadline for filing pretrial motions is October 1, 2007;
5. That the deadline for submitting a plea agreement is October 8, 2007.

SO ORDERED, this the 22nd day of August, 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE